

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

<p>Sweetaly Gelato, LLC, a Utah limited liability company,</p> <p style="text-align: center;">Plaintiff,</p> <p>v.</p> <p>Dolce USA LLC, a Delaware limited liability company,</p> <p style="text-align: center;">Defendant.</p>	<p><b>SCHEDULING ORDER</b></p> <p>Case No. 2:19-cv-00960-JNP-DBP</p> <p>District Judge Jill N. Parrish</p> <p>Magistrate Judge Dustin B. Pead</p>
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Pursuant to Fed. R. Civ. P. 16(b), the court received the Attorney Planning Meeting Report filed by counsel. The following matters are scheduled. The times and deadlines set forth herein may not be modified without the approval of the court and on a showing of good cause pursuant to Fed. R. Civ. P. 6.

**\*\*ALL TIMES 4:30 PM UNLESS INDICATED\*\***

- | <b>1.</b> | <b>PRELIMINARY MATTERS</b>   | <b>DATE</b>   |
|-----------|--|---------------|
|           | Nature of claims and any affirmative defenses:   |               |
| a.        | Date the Rule 26(f)(1) conference was held?  | 06/18/2020    |
| b.        | Have the parties submitted the Attorney Planning Meeting Report?                       | 06/18/2020    |
| c.        | Deadline for 26(a)(1) initial disclosures?   | 06/26/2020    |
| <b>2.</b> | <b>DISCOVERY LIMITATIONS</b>   | <b>NUMBER</b> |
| a.        | Maximum number of depositions by Plaintiff(s):   | 5             |
| b.        | Maximum number of depositions by Defendant(s):   | 5             |
| c.        | Maximum number of hours for each deposition (unless extended by agreement of parties): | 7             |

- |    |   |            |
|----|---|------------|
| d. | Maximum interrogatories by any party to any party:  | 25         |
| e. | Maximum requests for admissions by any party to any party:  | 30         |
| f. | Maximum requests for production by any party to any party:  | 30         |
| g. | The parties shall handle discovery of electronically stored information as follows:   |            |
|    | <ul style="list-style-type: none"> <li>• Produce native files for spreadsheets;</li> <li>• Produce each document as a searchable multi-page PDF file;</li> <li>• For emails, include attachments in the same pdf as the email to which it is attached; and</li> <li>• Scanned documents and any related data files should be OCR; provided on CD, DVD, or external drives depending on total data size or if a hosting solution is selected, uploaded to the hosted website.</li> </ul> |            |
| h. | The parties shall handle a claim of privilege or protection as trial preparation material asserted after production as follows: <i>Include provisions of agreement to obtain the benefit of Fed. R. Evid. 502(d).</i>   |            |
| i. | Last day to serve written discovery:  | 11/06/2020 |
| j. | Close of fact discovery:  | 02/05/2021 |
| k. | (optional) Final date for supplementation of disclosures and discovery under Rule 26(e):  | N/A        |
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- |           |  |             |
|-----------|--|-------------|
| <b>3.</b> | <b>AMENDMENT OF PLEADINGS/ADDING PARTIES<sup>1</sup></b> | <b>DATE</b> |
| a.        | Last day to file Motion to Amend Pleadings:              | 06/19/2020  |
| b.        | Last day to file Motion to Add Parties:                  | 06/19/2020  |
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- |  |   |             |
|--|---|-------------|
| <b>4.</b>  | <b>RULE 26(a)(2) EXPERT DISCLOSURES &amp; REPORTS</b> | <b>DATE</b> |
| <b>Disclosures (subject and identity of experts)</b> |   |             |
| a.   | Party(ies) bearing burden of proof:                   | 02/19/2021  |
| b.   | Counter disclosures:                                  | 03/19/2021  |

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<sup>1</sup> Counsel must still comply with the requirements of Fed. R. Civ. P. 15(a).

**Reports**

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|--|------------|
| a. Party(ies) bearing burden of proof: | 04/09/2021 |
| b. Counter reports:                    | 05/07/2021 |

**5. OTHER DEADLINES****DATE**

- |  |                       |
|--|-----------------------|
| a. Last day for expert discovery:  | 06/04/2021            |
| b. Deadline for filing dispositive or potentially dispositive motions:   | 06/18/2021            |
| c. If the parties do not intend to file dispositive or potentially dispositive motions, a scheduling conference will be held for purposes of setting a trial date. | 06/25/2021 at 2:00 pm |
| d. Deadline for filing partial or complete motions to exclude expert testimony:  | 07/02/2021            |

**6. SETTLEMENT/ALTERNATIVE DISPUTE RESOLUTION****DATE**

- |  |                 |
|--|-----------------|
| a. Likely to request referral to a magistrate judge for settlement conference: | No              |
| b. Likely to request referral to court-annexed arbitration:                    | No              |
| c. Likely to request referral to court-annexed mediation:                      | No              |
| d. The parties will complete private mediation/arbitration by:                 | To be scheduled |
| e. Evaluate case for settlement/ADR on:  | 10/16/2020      |
| f. Settlement probability:   | Fair            |

*Specify # of days for Bench or Jury trial as appropriate.  
The Court will complete the shaded areas.*

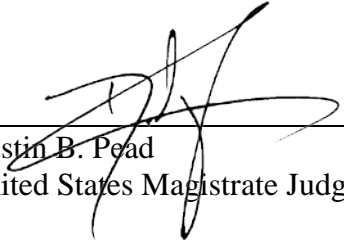
**7. TRIAL AND PREPARATION FOR TRIAL TIME DATE**

After the court issues an order on the summary judgment motion(s), if there is anything left to litigate, the court will set a scheduling hearing to set a trial date and to ask the parties if they want to mediate. If the schedule set forth herein is not extended, the parties can generally expect that trial will be set sometime during the 1st quarter of 2022.

**8. OTHER MATTERS**

Parties should fully brief all Motions in Limine well in advance of the pretrial conference.

DATED this 22 June 2020.

  
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Dustin B. Pead  
United States Magistrate Judge